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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 JOHN NEFF,  
11 #54213

12 Plaintiff,

13 vs.

14 NEVADA, STATE OF, *et al.*,

15 Defendants.  
16 \_\_\_\_\_/

3:11-cv-00133-RCJ-VPC

**ORDER**

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18 This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On April 25,  
19 2011, the court dismissed plaintiff's complaint for failure to state a claim for which relief may be granted  
20 (docket #7), and judgment was entered on April 26, 2011 (docket #9). Before the court is plaintiff's  
21 motion for reconsideration of the Screening Order (docket #12). Good cause appearing, plaintiff's  
22 motion is granted to the extent that this court should have remanded this matter to state court rather than  
23 dismissed it outright. Accordingly, the judgment entered in this action on April 26, 2011 (docket #9)  
24 is vacated. As plaintiff's complaint set forth a state-law claim for defamation, it is hereby remanded to  
25 remanded to state court. 28 U.S.C. §1441(c).

26 Plaintiff's motion for leave to amend his complaint (docket #13) is therefore denied as  
moot. Defendant's bill of costs (docket #10) is also denied.

1                   **IT IS THEREFORE ORDERED** that plaintiff's motion requesting reconsideration of  
2 this court's Screening Order (docket #12) is **GRANTED** in part as set forth in this Order.

3                   **IT IS FURTHER ORDERED** that the judgment in this matter dated April 26, 2011  
4 (docket #9) is **VACATED**.

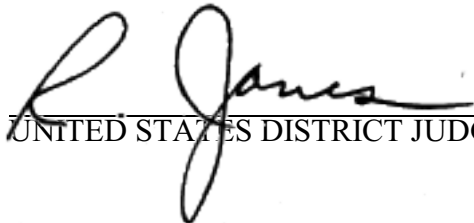
5                   **IT IS FURTHER ORDERED** that this action is **REMANDED** to the Seventh Judicial  
6 District Court of the State of Nevada, in and for White Pine County. Because the complaint sets forth  
7 no federal-law cause of action, the court remands the action to state court. 28 U.S.C. §1441(c). **The**  
8 **Clerk of Court shall mail a certified copy of this Order to the Seventh Judicial District Court in**  
9 **White Pine County.**

10                   **IT IS FURTHER ORDERED** that plaintiff's motion for leave to amend his complaint  
11 (docket #13) is **DENIED**.

12                   **IT IS FURTHER ORDERED** that defendant's bill of costs (docket #10) is **DENIED**.

13                   **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly  
14 and close this case.

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16                   DATED this 7th day of October, 2011.

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19                   UNITED STATES DISTRICT JUDGE  
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